

01/30/2006 MON 13:12 FAX 12489888363 Carlson, Gaskey & Olds

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JAN 30 2006

Serial No. 10/767,582
67097-016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Spadaccini
Serial No.: 10/767,582
Filed: January 29, 2004
Group Art Unit: 3746
Examiner: Gartenberg, Ehud
Title: GAS TURBINE COOLING SYSTEM

PETITION UNDER RULE 1.132

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office action mailed September 15, 2005, withdrawing the notice of allowance dated May 13, 2005. Applicant petitions the Commissioner under Rule 1.132 for removal of the rejection of the above identified application over U.S. Patent No. 6,939,392.

U.S. Patent No. 6,939,392 was derived from the inventors own work and is therefore not an invention "by another". Attached is a declaration sworn to by Louis J. Spadaccini; He Huang, Mr. Robert L. Bayt, and Luca Bettuccioli (the inventors) declaring that the '392 patent and claims were derived from the inventors of the current application. Accordingly, as the '392 patent is not "by

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another", and the rejection under § 102 (e) is overcome and the application is believed in condition for allowance.

Accordingly, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, \$450.00 for the two month extension fee. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.


John M. Siragusa
Registration No. 46,174
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: January 30, 2006

CERTIFICATE OF FACSIMILE

I hereby certify that this petition and declaration is being facsimile transmitted to the United States Patent and Trademark Office, 571-273-8300 on January 30, 2006.


Amy M. Spaulding

Serial No. 10/767,582
67097-016; EH-10931

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

DECLARATION UNDER RULE 1.132

- 1) We, Louis J. Spadaccini, He Huang, Luca Bertuccioli and Robert L. Bayt are inventors of the invention disclosed and claimed in U.S. Patent Application Serial No. 10/767,582.
- 2) We, Louis J. Spadaccini, He Huang, Luca Bertuccioli and Robert L. Bayt are inventors of subject matter disclosed in U.S. Patent No. 6,939,392 that was derived in part from our invention disclosed and claimed in U.S. Patent Application Serial No. 10/767,582, and is therefore not an invention "by another".
- 3) We, hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the patent issued thereon.

Serial No. 10/767,582
67097-016; EH-10931

Dated: 1/12/2006

Louis J. Spadaccini
Louis J. Spadaccini

Dated: 1/12/2006

He Huang
He Huang

Dated: Jan. 11, 2006

Luca Bertuccioni
Luca Bertuccioni

Dated: _____

Robert L. Bayt

Serial No. 10/767,582
67097-016; EH-10931

Dated: _____

Louis J. Spadaccini

Dated: _____

He Huang

Dated: _____

Luca Bertucciolli

Dated: 1-16-2006

Robert L. Bayt